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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/877,392      | 06/08/2001  | Gordon James Smith   | ROC920010089US1     | 2432             |

7590 02/08/2005

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| EXAMINER |
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YOUNG, JOHN L

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| ART UNIT | PAPER NUMBER |
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3622

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/877,392

Applicant(s)

SMITH, GORDON JAMES

Examiner

John L Young

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## NON-FINAL REJECTION

### DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### NEW CLAIM REJECTIONS — 35 U.S.C. §103( a )

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-42 are rejected under 35 U.S.C. §103(a) as being unpatentable over Weisshaar et al. US 6,580,916 (June 17, 2003) [US f/d: Sep. 15, 2000] (herein referred to as "Weisshaar ").

As per independent claim 1, Weisshaar (FIG. 1 through FIG. 12; the ABSTRACT; col. 1, ll. 28-67; col. 2, ll. 1-57; col. 3, ll. 30-76; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1067; col. 11, ll. 1-67 col. 12, ll. 28-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll.

1-67; col. 18, ll. 1-67; col. 19, ll. 1-67 col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 1-67; col. 24, ll. 1-67; col. 25, ll. 1-45; col. 26, ll. 38-67; col. 27, ll. 1-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; and col. 31, ll. 1-24) shows "A method of providing an interface to a driver of a vehicle, the method comprising . . . identifying the driver of the vehicle using at least the vehicle identifier . . . providing to the identified driver at least one of driving information and consumer information on a display of a pay-at-delivery system. . . ."

Weisshaar lacks explicit recitation of: "receiving a vehicle identifier from the vehicle via a wireless network. . . ."

Weisshaar (col. 24, ll. 25-55) discloses: "*The driver powers up his PDA and begins transferring the addresses of the various sales calls he needs to make . . . via a wireless link. . . . Jack's PDA. . . . is registered in the appliance's configuration. . . .*"

The Examiner interprets this disclosure as showing "receiving a vehicle identifier from the vehicle via a wireless network. . . ."

It would have been obvious to one of ordinary skill in the art at the time of the invention that Weisshaar at least (col. 24, ll. 25-55), as well as, Weisshaar (FIG. 1 through FIG. 12; the ABSTRACT; col. 1, ll. 28-67; col. 2, ll. 1-57; col. 3, ll. 30-76; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1067; col. 11, ll. 1-67 col. 12, ll. 28-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67 col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 1-67; col. 24, ll. 1-67; col. 25, ll. 1-45; col. 26, ll. 38-67; col. 27, ll. 1-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; and col. 31, ll. 1-

24) implicitly shows: "receiving a vehicle identifier from the vehicle via a wireless network. . . ." because modification and interpretation of the cited disclosure of Weisshaar would have provided means for an operator of a mobile vehicle *"to discover, identify, select, and invoke services that are of interest. . . ."* (See Weisshaar (col. 2, ll. 1-3)) based on the motivation to modify Weisshaar so as to not require *"unnecessarily involving applications that reside in the mobile platform. . . ."* (see Weisshaar (col. 2, ll. 50-57)).

As per dependent claims 2-24, Weisshaar shows the method of claim 1 and subsequent base claims depending from claim 1.

Weisshaar lacks explicit recitation of some of the elements and limitations of claims 2-24.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 2-24 were notoriously well known and expected in the art at the time of the invention, and it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify and interpret the disclosure of Weisshaar cited above as showing all of the elements and limitations of claims 2-24, because modification and interpretation of the cited disclosure of Weisshaar would have provided means for an operator of a mobile vehicle *"to discover, identify, select, and invoke services that are of interest. . . ."* (See Weisshaar (col. 2, ll. 1-3)) based on the motivation to modify Weisshaar so as to not require *"unnecessarily involving applications that reside in the mobile platform. . . ."* (see Weisshaar (col. 2, ll. 50-57)).

As per independent claim 25, Weisshaar (FIG. 1 through FIG. 12; the ABSTRACT; col. 1, ll. 28-67; col. 2, ll. 1-57; col. 3, ll. 30-76; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1067; col. 11, ll. 1-67 col. 12, ll. 28-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67 col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 1-67; col. 24, ll. 1-67; col. 25, ll. 1-45; col. 26, ll. 38-67; col. 27, ll. 1-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; and col. 31, ll. 1-24) shows “A method of providing an interface to a driver of a vehicle, the method comprising . . . determining whether a destination location of the vehicle is obtainable; retrieving, if the destination of the vehicle is obtained, at least one route from the current location to the destination location; retrieving, for each route retrieved, at least one of traffic information, emergency information and weather information; and providing the retrieved traffic information, emergency information and weather information on a display at a pay-at-delivery system. . . .”

Weisshaar lacks explicit recitation of: “obtaining a current location of the vehicle via a wireless network. . . .”

Weisshaar (col. 2, ll. 10-25) discloses: “*Mobile systems also may have rigorous security requirements in order to protect the . . . location of mobile subscribers. . . .*”

The Examiner interprets this disclosure as inherently showing “obtaining a current location of the vehicle via a wireless network. . . .”

It would have been obvious to one of ordinary skill in the art at the time of the invention that Weisshaar at least (col. 2, ll. 10-25), as well as, Weisshaar (FIG. 1 through FIG. 12; the ABSTRACT; col. 1, ll. 28-67; col. 2, ll. 1-57; col. 3, ll. 30-76; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1067; col. 11, ll. 1-67 col. 12, ll. 28-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 18, ll. 1-67; col. 19, ll. 1-67 col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 1-67; col. 24, ll. 1-67; col. 25, ll. 1-45; col. 26, ll. 38-67; col. 27, ll. 1-67; col. 28, ll. 1-67; col. 29, ll. 1-67; col. 30, ll. 1-67; and col. 31, ll. 1-24) inherently shows: “obtaining a current location of the vehicle via a wireless network. . . .” because modification and interpretation of the cited disclosure of Weisshaar would have provided means for an operator of a mobile vehicle “to discover, identify, select, and invoke services that are of interest. . . .” (See Weisshaar (col. 2, ll. 1-3)) based on the motivation to modify Weisshaar so as to not require “unnecessarily involving applications that reside in the mobile platform. . . .” (see Weisshaar (col. 2, ll. 50-57)).

As per dependent claims 26-30, Weisshaar shows the method of claim 25 and subsequent base claims depending from claim 25.

Weisshaar lacks explicit recitation of some of the elements and limitations of claims 26-30.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 26-30 were notoriously well known and expected in the art at the time of the invention, and it would have been obvious to a person of ordinary skill in

the art at the time of the invention to modify and interpret the disclosure of Weisshaar

cited above as showing all of the elements and limitations of claims 26-30, because modification and interpretation of the cited disclosure of Weisshaar would have provided means for an operator of a mobile vehicle *"to discover, identify, select, and invoke services that are of interest. . . ."* (See Weisshaar (col. 2, ll. 1-3)) based on the motivation to modify Weisshaar so as to not require *"unnecessarily involving applications that reside in the mobile platform. . . ."* (see Weisshaar (col. 2, ll. 50-57)).

Independent claim 31 is rejected for the same reasons as independent claim 1.

As per dependent claims 32-41, Weisshaar shows the apparatus of claim 30 and subsequent base claims depending from claim 30.

Weisshaar lacks explicit recitation of some of the elements and limitations of claims 32-41.

Official Notice is taken that both the concepts and the advantages of the elements and limitations of claims 32-41 were notoriously well known and expected in the art at the time of the invention, and it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify and interpret the disclosure of Weisshaar cited above as showing all of the elements and limitations of claims 32-41, because modification and interpretation of the cited disclosure of Weisshaar would have provided means for an operator of a mobile vehicle *"to discover, identify, select, and invoke services that are of interest. . . ."* (See Weisshaar (col. 2, ll. 1-3)) based on the motivation



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to modify Weisshaar so as to not require "*unnecessarily involving applications that reside in the mobile platform. . . .*" (see Weisshaar (col. 2, ll. 50-57)).

Independent claim 41 is rejected for the same reasons as independent claim 1.

### **RESPONSE TO ARGUMENTS**

3. Applicant's arguments filed 11/15/2004 have been fully considered but they are not persuasive for the following reasons: Applicant's arguments are moot based on new grounds of rejection herein presented by the Examiner.

### **CONCLUSION**

4. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

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Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED  
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Hand delivered responses may be brought to:

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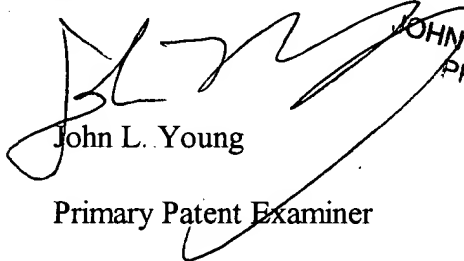
9

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801 or (571) 272-6725. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young  
Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

February 6, 2005